

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas



Rebecca Saveal

Plaintiff

v.

The Kroger Co.; Kroger Texas L.P.; and DOES 1-10

Defendant

)
)
)
) Civil Action No. 3:21-cv-02822
)
)
)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kroger Texas L.P.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Keith Altman
Law Office of Keith Altman
33228 West 12 Mile Road, Suite 375
Farmington Hills, Michigan 48331
(248) 987-8929

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/11/2022

s/Yolanda Pace

Signature of Clerk or Deputy



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 3:21-cv-02822

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Kroger Texas L.P.
was received by me on (date) February 11, 2022.

☐ I personally served the summons on the individual at (place) _____
on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other (specify): In accordance with Texas Rule of Civil Procedure 106, the Summons and Complaint were deposited for collection
by the United State Postal Service and sent via Certified Mail, Return Receipt Requested to Kroger Texas, L.P.,
located at 19245 David Memorial Drive, Shenandoah, TX 77385-8778. Additionally, the Summons and Complaint
were sent to Kroger Texas, L.P.'s general counsel, Christine. Wheatley (christine.wheatley@kroger.com) via email
on February 2, 2022, and February 11, 2022.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: February 11, 2022



Server's signature

Jill A. Fultz, Administrative Assistant

Printed name and title

33228 West 12 Mile Road, Suite 375, Farmington Hills, MI 48331

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas



Rebecca Saveal

Plaintiff

v.

The Kroger Co.; Kroger Texas L.P.; and DOES 1-10

Defendant

Civil Action No. 3:21-cv-02822

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) The Kroger Co.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Keith Altman
Law Office of Keith Altman
33228 West 12 Mile Road, Suite 375
Farmington Hills, Michigan 48331
(248) 987-8929

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 02/11/2022

s/Yolanda Pace

Signature of Clerk or Deputy



Civil Action No. 3:21-cv-02822

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) The Kroger Co.
was received by me on (date) February 11, 2022.

☐ I personally served the summons on the individual at (place) _____
on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other (specify): In accordance with Texas Rule of Civil Procedure 106, the Summons and Complaint were deposited for collection by the United State Postal Service and sent via Certified Mail, Return Receipt Requested to Kroger Texas, L.P., located at 19245 David Memorial Drive, Shenandoah, TX 77385-8778. Additionally, the Summons and Complaint were sent to Kroger Texas, L.P.'s general counsel, Christine. Wheatley (christine.wheatley@kroger.com) via email on February 2, 2022, and February 11, 2022.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: February 11, 2022



Server's signature

Jill A. Fultz, Administrative Assistant
Printed name and title

33228 West 12 Mile Road, Suite 375, Farmington Hills, MI 48331
Server's address

Additional information regarding attempted service, etc:

Saveal v. Texas Kroger, L.P., The Kroger Co.; Case No. 3:21-cv-02822

Lori Crusselle <loricrusselle@kaltmanlaw.com>

Fri 2/11/2022 11:58 AM

To: christine.wheatley@kroger.com <christine.wheatley@kroger.com>

Cc: Toni Renee Vierra <trvierra@kaltmanlaw.com>; Keith Altman <keithaltman@kaltmanlaw.com>; Lori Crusselle <loricrusselle@kaltmanlaw.com>

 2 attachments (1 MB)

Summons, w Signature.JF.pdf; 0001. Complaint (1).pdf;

As you know, we reached out to you on February 2, 2022, to inquire if you would be willing to accept service of the Summons and Complaint via a Rule 4 waiver, in an effort to reduce litigation costs. Having heard nothing in response to that email, or emails previous to that, attached please find a copy of the Summons and Complaint. The Summons and Complaint are being served via U.S. Mail, certified mail with return receipt, and via overnight delivery, and via this email, pursuant to Texas Civil Rule of Procedure 106.

If you would like to reconsider service via Rule 4 prior to Monday, February 14, 2022, please let us know and we will forward to you the form to sign and return.

Otherwise, please consider the Summons and Complaint served as of today's date, February 11, 2022, on both Texas Kroger, L.P. and The Kroger Co.

Thank you.



LORI CRUSSELLE

SENIOR LITIGATION PARALEGAL

Phone: (248) 987-8929 **Email:** loricrusselle@kaltmanlaw.com **Web:** www.kaltmanlaw.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom addressed. This message contains confidential information and is intended only for those named. If you have received this email in error, please notify the sender immediately. If you are not the intended recipient, please note that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

Saveal v. The Kroger Co.; Kroger Texas L.P. ; Case No. 3:21-cv-02822

Lori Crusselle <loricrusselle@kaltmanlaw.com>

Wed 2/2/2022 12:06 PM

To: christine.wheatley@kroger.com <christine.wheatley@kroger.com>

Cc: Keith Altman <keithaltman@kaltmanlaw.com>; Toni Renee Vierra <trvierra@kaltmanlaw.com>

 1 attachments (381 KB)

0001. Complaint.pdf;

Dear Ms. Wheatley,

I am writing on behalf of Mr. Altman. Attached please find the Complaint filed on behalf of Ms. Saveal. Would you be willing to accept service of the Summons and Complaint on behalf of Kroger via a Rule 4 waiver?

Please let us know within 10 business days if you would be amenable to this, and I will forward the Summons, and the Waiver of Service for your signature.

Thank you.

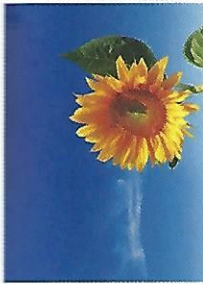


LORI CRUSSELLE
SENIOR LITIGATION PARALEGAL

Phone: (248) 987-8929 **Email:** loricrusselle@kaltmanlaw.com **Web:** www.kaltmanlaw.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom addressed. This message contains confidential information and is intended only for those named. If you have received this email in error, please notify the sender immediately. If you are not the intended recipient, please note that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

\$7.33 US POSTAGE
FIRST-CLASS



CERTIFIED MAIL®



7019 1120 0002 2441 2068

The Law Office of Keith Altman
33228 West 12 Mile Road
Ste. 375
Farmington Hills, MI 48334

The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202

The Law Office of Keith Altman
33228 West 12 Mile Road
Ste. 375
Farmington Hills, MI 48334

CERTIFIED MAIL



70119 1120 0002 2441 2075

Kroger Texas LP
19245 David Memorial Drive
Shenandoah, TX 77385-8778



USPS.COM/PICKUP



To schedule free Package Pickup,
scan the QR code.

**FLAT RATE
ENVELOPE**
ONE RATE ■ ANY WEIGHT

PRESS FIRMLY TO SEAL

THIS MAILING ENVELOPE IS IDEAL FOR MAILING GREETING CARDS, GIFT CARDS, AND MORE.



**UNITED STATES
POSTAL SERVICE®**

**PRIORITY®
MAIL**

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

E

US POSTAGE & FEES PAID

1/2 LB PRIORITY MAIL EXPRESS RATE

ZONE 5

ComPlsPrice

062S0010887744

17405176

FROM 29720



stamps
endicia

02/11/2022

PRIORITY MAIL EXPRESS 1-DAY™

K Altman Law
33228 West 12 Mile Road
Suite 375
Farmington Hills MI 48334

0007
(440) 381-0303

WAIVER OF SIGNATURE

R128

SHIP
TO:

KROGER TEXAS LP
19245 DAVID MEMORIAL DR STE A
SHENANDOAH TX 77385-8776



USPS TRACKING #



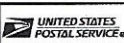

9470 1116 9900 0901 8386 19




This packaging is the property of the U.S. Postal Service® and is provided solely
for use in sending Priority Mail® and Priority Mail International® shipments.
Misuses may be a violation of federal law. This package is not for resale.
EP14BTBLUE © U.S. Postal Service; January 2021; All rights reserved.

Pull to Open

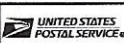

		US POSTAGE & FEES PAID 1/2 LB PRIORITY MAIL EXPRESS RATE ZONE 4 ComDisPrice 062S000993647 17405176 FROM 29720 stamps endicia 02/11/2022
PRIORITY MAIL EXPRESS 1-DAY™		K Altman Law 33228 West 12 Mile Road Suite 375 Farmington Hills MI 48334 (440) 381-0303 0007
SHIP TO: THE KROGER CO. 1014 VINE ST STE 1000 CINCINNATI OH 45202-1100 C078		USPS TRACKING #  9470 1116 9900 0901 0065 37

If You Bring Your Item to the Post Office, Present this Record for a Proof of Mailing Receipt

 PRIORITY MAIL EXPRESS™		CUSTOMER Online Record <i>DO NOT MAIL</i>	
ORIGIN (POSTAL USE ONLY)		 9470 1116 9900 0901 0065 37	
PO Zip Code 29720	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	<input checked="" type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location.) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Date In Mo. Day Year	<input type="checkbox"/> 10:30 <input type="checkbox"/> 12:00 <input type="checkbox"/> 3:00	Postage \$ 25.80	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Address to PO Box <input type="checkbox"/>	Return Receipt Fee	
Weight lbs 0 ozs 1		COD Fee Insurance Fee	
No Delivery <input type="checkbox"/> Saturday <input checked="" type="checkbox"/> Sunday/Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 25.80	
CUSTOMER INFORMATION			
FROM: K Altman Law 33228 West 12 Mile Road Suite 375 Farmington Hills, MI 48334 PHONE (440) 381-0303		TO: THE KROGER CO. 1014 VINE ST STE 1000 CINCINNATI OH 45202-1100 PHONE	
Label 11-D June 2001 FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com			

		US POSTAGE & FEES PAID 1/2 LB PRIORITY MAIL EXPRESS RATE ZONE 4 ComPisPrice 062S000993647 17405176 FROM 29720	
			
PRIORITY MAIL EXPRESS 1-DAY™		0007 (440) 381-0303	
K Altman Law 33228 West 12 Mile Road Suite 375 Farmington Hills MI 48334 WAIVER OF SIGNATURE		C078	
SHIP TO: THE KROGER CO. 1014 VINE ST STE 1000 CINCINNATI OH 45202-1100			
USPS TRACKING #  9470 1116 9900 0901 0065 37			

If You Bring Your Item to the Post Office, Present this Record for a Proof of Mailing Receipt

		PRIORITY MAIL EXPRESS™		CUSTOMER Online Record <i>DO NOT MAIL</i>	
ORIGIN (POSTAL USE ONLY)				 9470 1116 9900 0901 0065 37	
PO Zip Code 29720	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>			
Date In Mo. Day Year	<input type="checkbox"/> 10:30 <input type="checkbox"/> 12:00 <input type="checkbox"/> 3:00	Postage \$ 25.80		<input checked="" type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location.) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Address to PO Box <input type="checkbox"/>	Return Receipt Fee			
Weight lbs 0 ozs 1		COD Fee	Insurance Fee		
No Delivery <input type="checkbox"/> Saturday <input checked="" type="checkbox"/> Sunday/Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 25.80			
CUSTOMER INFORMATION					
FROM: PHONE (440) 381-0303 K Altman Law 33228 West 12 Mile Road Suite 375 Farmington Hills, MI 48334		TO: PHONE THE KROGER CO. 1014 VINE ST STE 1000 CINCINNATI OH 45202-1100			
Label 11-D June 2001		FOR PICKUP OR TRACKING CALL 1-800-222-1811		www.usps.com	